

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	Cr. No. 05-00189-01 DAE
)	
Plaintiff,)	
)	
v.)	
)	
KEITH SEICHI IMAI,)	DECLARATION OF COUNSEL
)	
Defendant.)	
_____)	

DECLARATION OF COUNSEL

1. I am the attorney for Defendant KEITH IMAI in the above-captioned case.
2. On Oct. 30, 2006, a Final Pretrial Conference was held before the Hon. Leslie E. Kobayashi, U.S. Magistrate Judge, at which time the Court ordered the Government to produce all Brady and Giglio Material including "impeachment material, cooperation agreements, plea agreements, promises of leniency and records of criminal convictions" by "November 1, 2006".
3. The Government, however, **did not** provide the ordered Brady and Giglio Material, (approximately 1000 pages) until late Friday November 17, 2006, when the Government provided the Jencks Act disclosure of witness statements.¹
4. Counsel cannot adequately prepare for trial in light of the newly disclosed 1000 pages of discovery and without the information and materials sought in Defendant's

¹The parties were also ordered by Mag. Kobayashi to exchange witness lists by Nov. 1, 2006. Defendant Imai's witness list was filed and served on Oct. 31, 2006, the Government's witness list was not filed and served until Nov. 15, 2006. Both the Government's witness list and Brady/Giglio material were two weeks overdue.

Fourth Motion to Compel Discovery.

5. The Government is in possession of evidence essential to the Defendant's case, including but not limited to impeachment and possible exculpatory evidence which the Government has a continuing duty to provide (as previously detailed in Defendant's prior three Motions to Compel Discovery, Motion to Compel Identity of Confidential Sources, and Motion to Compel Grand Jury Transcripts).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/20, 2006.


MYLES S. BREINER